CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

September 26, 2018

Mitch Chemers
18960 Ventura Boulevard
Tarzana, CA 91356

RE: 108 SOUTH BRAND BOULEVARD
VARIANCE CASE NO. PVAR1818206

Dear Mr. Chemers:

On September 12, 2018, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.43, on your application for variances to allow the installation of five signs, including a non-accessory sign, three projecting signs and a wall sign to advertise one retail tenant locating at **108 South Brand Boulevard**, in the existing Glendale Marketplace development in the DSP Maryland "Arts and Entertainment" District, described as a Lots 1, 2, and 3, Block 5, MB 9-56 and portion of vacated alley, Lots 20 through 28, Tract 618; Portion of vacated alley adjacent on north and Lots 20 and 21, Tract 618; Lots 8, 9 and 10, Block 57, Map Book 9-56 and portion of Lots C and 11 and Lots 12 through 19, Tract 618., in the City of Glendale, County of Los Angeles.

CODE REQUIRES

1) One (1) projecting sign shall be permitted per ground floor occupancy.
2) The area of projecting signs shall not exceed 12 square feet in the Downtown Specific Plan (DSP) zone (GMC Section 30.33.180.A.2).
3) The thickness of projecting signs shall not exceed 12 inches in the DSP zone (GMC Section 30.33.A.6).
4) The area of an accessory wall sign shall not exceed one square-foot per one linear foot of length of frontage. The existing building where the sign is proposed would allow a 99 square-foot wall sign (GMC Section 30.33.120.A.2).
5) An accessory sign means any sign which carries advertisement incidental and related only to the primary use of the premises or site on which it is located. A non-accessory sign means any sign that carries advertisement other than that of an accessory sign. Non-accessory signs are not permitted (GMC Section 30.33.020).

APPLICANT'S PROPOSAL

The applicant is requesting approval of standards variances for the following:

1) Allow three (3) projecting signs for a second floor occupancy.
2) Allow a projecting sign to be 96 square feet in area.
3) Allow a 24-inch thick projecting sign.
4) Allow a proposed 171 square-foot wall sign.
5) Allow a non-accessory sign.

ENVIRONMENTAL DETERMINATION

This project is exempt from CEQA review as a Class 11 "Accessory Structures" exemption pursuant to State CEQA Guidelines Section 15311 because the project is proposing signs located on an existing commercial site.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to the **VARIANCE** application for **Case No. PVAR 1818206**, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** certain **VARIANCE** requests based on the following:

A. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the ordinance.

With regards to the proposed projecting and non-accessory signs, strictly applying the sign standards would result in unnecessary hardship inconsistent with the general purposes and intent of the ordinance, given the location and orientation of the second floor tenant space within Glendale Marketplace, resulting in limited visibility, the overall size and configuration of the outdoor shopping mall, and regulations for projecting signs that are geared for "Main Street" retail areas.

As noted in GMC 30.33.310, the intent of the sign code is to "create a more attractive business climate, enhance and protect the physical appearance of the community and encourage the most appropriate use of land", among other things. The City's sign regulations limit the location of projecting signs only for ground floor occupancies and a maximum area of 12 square feet and a maximum thickness of 12 inches. Ross Dress for Less will be locating in the subject, second floor tenant space and is requesting a variance for a projecting sign fronting Brand Boulevard that is approximately 96 square feet in area and up to 24 inches in thickness. The two other projecting signs will be located on either side of the future entrance to Ross on the second floor, but otherwise comply with the City's sign regulations. Ross is also proposing three wall signs: one facing Brand Boulevard, a non-accessory wall sign facing Artsakh Avenue (formerly Maryland Drive) not located on a building façade directly adjacent to the tenant space, and one sign facing the pedestrian paseo within the Glendale Marketplace. The sign regulations state that the area of an accessory wall sign shall not exceed one square-foot per foot of length of building frontage. A variance is requested for the wall sign facing the pedestrian paseo that is proposed to be 173 square feet in area on a wall with 99.75 linear feet of building frontage and the non-accessory sign facing Artsakh Avenue.

The Glendale Marketplace is a 2.2 acre, outdoor shopping center located across from The Americana at Brand and one block east of Glendale Galleria, and just south of the Brand Boulevard and Broadway main street intersection. Ross Dress for Less will be a major tenant in the center, occupying the long-vacant space on the second floor that has its main entrance oriented towards the interior paseo bisecting the center from Brand Boulevard on the west and Artsakh Avenue on the east. Its downtown location provides the context where similarly-sized retail buildings and similarly-scaled signs exist, including nearby major tenants at the Glendale Galleria and the Americana at Brand.

Projecting signs are generally located on retail streets with significant pedestrian traffic and advertise to shoppers who cannot otherwise see more automobile-oriented signs. This type of sign is typically associated with "main street" shopping streets, similar to the Montrose Shopping Park, which contain many small tenants in a relatively short distance. The standards for size and thickness of this type of sign reinforce their generally pedestrian-oriented nature at the street level. While Brand Boulevard has significant pedestrian traffic, the regulations of projecting signs are not meant for two-story shopping centers located on major, wide thoroughfares with significant automobile traffic volumes. According to the sign code, the second floor tenant space would not be able to have any projecting signs, and this regulation aside, not more than one projecting sign at the main entrance facing the paseo and which would be limited to 12 square feet. The tenant is proposing one larger, projecting signs on the northern portion of the Marketplace's Brand Boulevard façade within a vertical-oriented, decorative building element to clearly identify tenant location along Brand Boulevard. This building element does not contain signs for any of the businesses in this center and the proposed location of the sign will not contribute to sign clutter. The larger sign is appropriately scaled for this location and the remainder of the Brand Boulevard building façade does not lend itself to the placement of large projecting signs. This sign incorporates neon lighting, which is recommended for creative signage in the Downtown Specific Plan area, but which requires a wider transformer box, resulting in a 24-inch width at the bottom of the projecting sign, exceeding the allowable width. The other proposed projecting signs will be located on either side of the second level entrance to Ross. As previously mentioned, aside from the fact that these signs are for a second floor tenancy, they will comply with the regulations for projecting signs. The proposed signs will highlight the entrance to Ross for pedestrians on the second level of the Market Place and will not have much of a presence on the ground level of the center or from the public right-of-way.

The proposed non-accessory wall sign will be located on a building wall facing east toward the pedestrian bridge over Artsakh Avenue leading to the parking garage. Many customers of the Marketplace use this garage as it is the most conveniently accessible parking structure. While Ross will become a major tenant at the Marketplace, the tenant will have no visibility from the east or parking entrance/exit. The proposed non-accessory wall sign will be a modest 25 square feet in area and will serve to identify this large second floor retail tenant to customers coming from the parking structure on the east.

Given Ross' location within the Marketplace and that the projecting and non-accessory signs are consistent with the intent of the city's sign regulations, it would be an unnecessary hardship to deny the variance for these signs.

While the proposed projecting and non-accessory signs are consistent with the first variance finding, strictly applying the sign standards to the proposed oversized wall sign facing the pedestrian paseo would **not** result in unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The Ross tenant space has 99.75 feet of frontage along the pedestrian paseo within the Market Place and is entitled to a 99.75 square foot wall sign. The wall sign, submitted as being 173 square feet and later corrected during the public hearing by the applicant as being 124 square feet, would further clutter the appearance of the southern façade at its proposed location and would only visible for a short period of time traveling north on Brand Boulevard. The entire width of this elevation is never completely visible from Brand Boulevard or from any other vantage point inside the Marketplace, so the scale of oversized wall sign will be accentuated where visible.

Furthermore, the sign will have limited visibility and only for a short duration for drivers and pedestrian coming from the south due to existing on-site development, including the rotunda. Furthermore, the south façade of the Marketplace, where the wall sign is proposed, already includes features such as an escalator, decorative façade treatments and the entrance to Ross with an awning above. The location of the sign is not centered within nor does it bear any relationship to other elements within this façade. Since the variance request for the Brand Boulevard projecting sign is approved, the oversized wall sign intended to increase identification for the second floor tenant will also be largely redundant.

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

With regard to the proposed projecting and non-accessory signs, there **are** exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood that warrant granting variances because the city's projecting sign regulations were developed with pedestrian street level and low-scale commercial strip retail centers in mind and the second floor anchor tenant space lacks visibility within the Glendale Marketplace. A major north-south, signature street, Brand Boulevard adjacent to the Marketplace is neither a traditional pedestrian retail street, nor a suburban strip commercial environment, for which the projecting sign standards are intended. Brand Boulevard has both significant pedestrian traffic and high vehicular volumes. The subject tenant space is located on the second floor of the Marketplace and it is unique that such a large tenant space is oriented towards the interior of the interior paseo bisecting the center with limited visibility from both Brand Boulevard on the west and no visibility from Artsakh on the east. The tenant has no entries or storefront windows facing the two streets, and there is no visibility of Ross' second floor tenancy from the north. Approval of the larger projecting sign would help motorists and pedestrians traveling south on Brand Boulevard identify the location of Ross. Approval of the non-accessory sign will function like an identification sign for customers coming from the parking garage on the east side of Artsakh Avenue to the subject development. The unique nature of Brand Boulevard adjacent to the Glendale Marketplace, combined with the interior orientation on the second floor and limited visibility of the future Ross tenant space from Brand Boulevard and Artsakh Avenue, despite Ross being a major tenant in this commercial center, are the exceptional circumstances which warrant allowing the variances for the proposed projecting and non-accessory signs for this second floor tenant.

With regard to the variance requesting an increase in wall sign size, there **are no** exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood that warrant granting the oversized wall sign variance. The south facing wall on which the sign is proposed forms the northern boundary of a pedestrian paseo which leads from Artsakh Avenue on the east to Brand Boulevard on the west within the Glendale Marketplace. The building frontage would allow a 99.5 square-foot wall sign; the original variance application identified a proposed 173 square-foot wall sign, while during the hearing, the applicant corrected the area as being 123 square feet. Nevertheless, the sign at the proposed location will have limited pedestrian and automotive visibility when

viewed from the south and only for a short time duration, due to existing development features such as the nearby rotunda across the paseo, and will not be visible at all directly across the street or from the north. Though one might argue that the limited visibility for this façade might be an exceptional circumstance for granting a larger sign area, the tenant shall be clearly identified by the substantial wall sign and approved projecting sign on Brand Boulevard, the approved non-accessory wall sign along Artsakh Avenue, and the additional projecting signs approved on both sides of the main entrance. Lastly, a sign permit has been approved by Zoning staff for a code-compliant "Ross" wall sign at this location; however, the tenant is requesting to add "Dress for Less", thereby necessitating a variance for the additional sign area. This additional sign area request does not stem from exceptional circumstances or conditions that to not apply generally to other property in the Downtown area.

C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

With regard to the projecting and non-accessory signs, the granting of the variances **will not** be materially detrimental to the public welfare or injurious to the Glendale Marketplace property or surrounding area. The proposed projecting and non-accessory signs for the second floor tenant will not create an "oversignage" issue and have been attractively designed bearing in mind the scale of the surrounding building features. The proposed Brand Boulevard projecting sign will be located on the northern part of the Marketplace's westerly façade within a large vertically-oriented element, directly adjacent to the second floor tenant space and clearly visible from both the north and south along Brand Boulevard. This projecting sign would be similar to the larger projecting sign recently approved by variance (PVAR 1527957) and installed in the southern portion of the Glendale Marketplace; the existing, larger, wider projecting sign for a second floor tenant (LA Fitness) has not proved to be damaging to either this development or the surrounding area. The two projecting signs proposed on either side of the future entrance to Ross will have limited street right-of-way presence, as they will be installed on the second floor of the Market Place, and otherwise, comply with the standards for projecting signs.

The Glendale Marketplace is located in the Maryland "Arts and Entertainment" District, which encourages the concentration of arts, culture and entertainment venues and associated dining and retail uses. The proposed Brand Boulevard projecting sign will be an asset to the bustling commercial neighborhood surrounding it. The sign will be distinctively composed of a metal sign cabinet with routed out letters and a gold or blue neon border, resulting in an attractive, urban aesthetic. The use of neon is encouraged in the downtown area; the neon requires additional electrical equipment, thereby resulting in a wider projecting sign than permitted by Code. The sign design will assist in fostering the lively environment desired in this area of the city.

The non-accessory sign, to be located on a second floor east facing building wall will serve to identify the location of Ross to patrons arriving from the east and parking in the adjacent garage. At approximately 28 square feet in area, the sign is modest in size and attractively composed with a metal sign cabinet surrounded by neon.

The variance application was routed to various departments in the city for their review and comment. The City's Engineering Division has reviewed the signs and determined that they will not interfere with views of any traffic signals. No concerns were raised from other city departments regarding the proposed signs.

With regard to the request to increase the size of the wall sign, granting this variance is not expected to be materially detrimental to the public welfare or injurious to the Glendale Marketplace property, aside from the fact that an oversized wall sign would add to the concentrated clutter of the façade of this location which includes several decorative elements, an escalator and the future entrance to Ross.

D. The granting of the variance will not be contrary to the objectives of the ordinance.

Regarding the projecting and non-accessory signs, the granting of the variance **will not be** contrary to the objectives of the ordinance, which include reducing obstructions that may lead to safety hazards, creating a more attractive business climate and enhancing and protecting the appearance of the community. The projecting and non-accessory signs will not create a visual hazard or obstruction for pedestrian or motorists, will increase the visibility and viability of Ross, and are attractively designed and appropriately scaled. The proposed Ross projecting sign located on the Brand Boulevard façade will be located approximately 22 feet above the sidewalk, creating neither a visual hazard nor obstruction for pedestrians or automobiles. The proposed projecting sign will significantly increase the prominence of this large tenant, which has limited visibility, particularly from the north, thereby boosting its chances of success and amplifying pedestrian traffic at the Marketplace. The proposed sign has a unique composition, with an attractive urban appearance, appropriate for its context. The projecting signs proposed on either side of the Ross entrance also comply with the objectives of the sign ordinance. These signs will be located on the second level of the development and are not readily visible from the street, yet they will highlight the location of the tenant entrance for second floor patrons of the Marketplace.

The proposed non-accessory sign to be installed on a second floor wall of the Marketplace will serve to identify and direct customers from the parking garage to the Ross store, which has limited visibility, particularly from the east. The sign will enhance and protect the appearance of the community in that it is attractive, modest in size and utilizes neon, which is both appropriate in the "Arts and Entertainment" district and as a reference to the nearby Neon Art Museum.

Regarding the increase in size for the requested wall sign, the granting of the variance **will be** contrary to the objective of the ordinance, because it will lead to a cluttered appearance on the southern façade wall which is contrary to the objective of protecting and enhancing the appearance of the community. Additionally, the proposed placement of the sign bears no relationship with the other features found on this façade.

CONDITIONS OF APPROVAL

APPROVAL of the **VARIANCES** shall be subject to the following

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.

2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.

3. A grading/drainage plan shall be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.

4. Separate permits are required for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.

5. The project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.

6. That a building permit shall be obtained for all work enabled by this variance.

7. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.

8. That the Marketplace sign program be updated to reflect the approved sign variance for the second floor tenant space.

APPEAL PERIOD

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **October 11, 2018,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeals

TRANSFERABILITY

This authorization runs with the land for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars ($1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars ($500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer). To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

Termination
Every right or privilege authorized by a Variances shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension
An extension of the Variances may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the Variances.

Cessation
A Variance may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Roger Kiesel, at 818-937-8152 or rkiesel@glendaleca.gov.

Sincerely,

Vilia Zemaitaitis
Planning Hearing Officer

VZ:RK:sm

cc: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (Larry Tan/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (Rene Sada); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Roger Kiesel.